
Public Notice

Applicant:
Hans-Henning Bunge

Date:
Published:
Expires:

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 2000-01526(1) Section: OH 10 and 404

**Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Mr. Hans-Henning Bunge, 32644 Lake Road, Avon Lake, Ohio 44012, has requested authorization to maintain a trapezoidal seawall and a cast concrete pier in Lake Erie, located at 32644 Lake Road, in the City of Avon Lake, Lorain County, Ohio.

The history of this project is as follows: The breakwater retaining wall was authorized by an individual permit under Department of the Army Permit No. 87-478-16. A drawing in that file notes the presence of an existing 4 foot wide by 36 foot long shore underwater pier perpendicular to the shore, and a 40 foot long underwater breakwater parallel to the shore (located approximately 18 feet lakeward of the toe of the breakwater retaining wall; see sheet 4 of 4). There is no evidence of the underwater breakwater today.

The following structures are included in this request:

- a. Maintenance of a trapezoidal seawall and cap with the following cap dimensions: a 47 foot long side bordering the authorized seawall, a 27 foot long reach extending lakeward, and a 4 foot long lakeward side which abuts a pier. The top elevation of this structure is approximately 576.1 feet International Great Lakes Datum (IGLD), 1985. This structure extends approximately 16 feet onto the adjacent property to the west. The toe of this structure is composed of 3 foot by 4 foot by 5 foot concrete blocks.
- b. Maintenance of an additional 33 foot by 4 foot wide concrete pier perpendicular to the shore, with a current top elevation of between 571.5 feet and 574.1 feet IGLD, 1985. The last section of this pier is now serving as a breakwall, not as access for boating or swimming.
- c. Maintenance of a triangular concrete cap located directly east of and adjacent to the trapezoidal seawall. See sheet 3 of 4 for details.

Approximately 20 cubic yards of material for the trapezoidal platform and 35 cubic yards of material for the pier have been placed below the ordinary high water (O.H.W.) elevation of 573.4 feet IGLD, 1985.

The purpose of these structures is to provide erosion protection and access to the waters of Lake Erie.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Elizabeth W. Stone, who can be contacted by calling (716) 879-4363, or by e-mail at: Elizabeth.W.Stone@usace.army.mil

The applicant has certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Mr. Don Povolny or Ms. Kim Baker
Ohio Department of Natural Resources
Division of Real Estate and Land Management
Resource Management Section
1952 Belcher Drive, Building C-4
Columbus, Ohio 43224-1386
Telephone (614) 265-6411
FAX (614) 267-4764
e-mail: kim.baker@dnr.state.oh.us

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Elizabeth W. Stone, or by e-mail at: Elizabeth.W.Stone@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.